

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 3516 - SB 3297**

February 22, 2010

**SUMMARY OF BILL:** Eliminates the possibility of parole for any person committing an offense on or after July 1, 2010, and requires such person to serve 100 percent of the sentence imposed by the court. Requires a person who is on parole for an offense committed before July 1, 2010, and subsequently causes such parole to be revoked by committing another offense on or after July 1, 2010, to serve 100 percent of the sentence imposed by the court for such subsequent offense.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$295,700/Recurring  
\$321,368,000/Incarceration\***

**Decrease State Expenditures - \$1,635,500/FY10-11  
\$3,271,000/FY11-12  
\$4,906,400/FY12-13  
\$6,542,000/FY13-14 & Subsequent Years**

**Increase Local Expenditures – Exceeds \$100,000\***

**Assumptions:**

- According to the Department of Correction (DOC) 2009 Annual Report, 4,414 offenders were paroled in FY09. The average sentence length served by primary offense was 12 years and 10 months. Offenders would receive an average of 3.75 years of sentence credits on the average sentence length. The estimated time served without parole is 9.08 years. The average time served by parole offenders is 5.75 years. The average length of sentence would increase by 3.33 years (9.08 years – 5.75 years).
- According to DOC, 4,414 offenders would serve an additional 3.33 years as a result of the elimination of parole. The cost per offender at 3.33 years is \$72,806.52 (\$59.86 x 1,216.28 days). The additional operating cost for 4,414 offenders serving 3.33 years longer is \$321,367,979.28 (\$72,806.52 x 4,414).
- The Department of Children's Services estimates one child per year would have to remain in custody an additional 1,095 days at a cost of \$270 per day resulting in a recurring increase in state expenditures of \$295,650 (\$270 x 1,095 days x 1 child).

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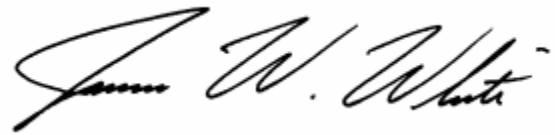
- As of December 31, 2009, the Board of Probation and Parole (BOPP) supervised 11,707 parolees and 50,894 probationers. In addition to deciding which offenders will be released on parole, the Parole Board also conducts revocation hearings for parolees who have violated the conditions of their community supervision, and when necessary, issues arrest warrants for parolees. The Board will continue to handle revocations and warrants until all of the parolees currently under its supervision have finished their parole terms. The Board will have statutory jurisdiction over offenders eligible for parole and whose crimes were committed prior to July 1, 2010. BOPP is a member of the Interstate Compact for Adult Offender Supervision which allows for the transfer of eligible parolees and probationers between states. The Board will continue to oversee parole offenders that come to Tennessee from other states in terms of hearing procedures and community supervision. Cost savings will not be realized until the terms of existing parolees has expired, as well as the terms of offenders with a statutory parole eligibility date prior to the effective date of this act has expired.
- The recurring cost for a probation/parole officer (PPO) is \$48,102 which includes salary (\$28,692), benefits (\$11,066), travel (\$3,000), supplies (\$1,300), training (\$1,200), and other related items (\$2,844).
- According to BOPP, for CY08, there were a total of 3,639 parole cases closed (1,951 completions, 1,604 revocations, 1 transferred to another parole agency, and 83 deaths). For CY09, there were a total of 3,616 parole cases closed (2,214 completions, 1,303 revocations, and 99 deaths). The ratio is one PPO to 105 offenders. All PPOs have both probation and parole cases.
- BOPP has approximately 3,625 closed parole cases per year. Assuming that trend continues the Board will be able to reduce the number of PPOs needed for supervision. Approximately 34 PPO positions can be eliminated each year ( $3,625 / 105 = 34$ ) resulting in a decrease in state expenditures for FY10-11 of \$1,635,468 ( $\$48,102 \times 34$  officers). For FY11-12, the reduction of 68 PPOs will result in a decrease in state expenditures of \$3,270,936 ( $\$48,102 \times 68$  officers). For FY12-13, the reduction of 102 PPOs will result in a decrease in state expenditures of \$4,906,404 ( $\$48,102 \times 102$  officers). For FY13-14 and subsequent years, a reduction of 136 PPOs will result in a decrease in state expenditures of \$6,541,872 ( $\$48,102 \times 136$  officers).
- Offenders sentenced to local jails will serve longer sentences as a result of the elimination of parole and will result in an increase in local expenditures estimated to exceed \$100,000 statewide.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc